Scott. II.27—50,000—[illegible]

Revenue (1943) Department

SERIES.

G.O. No. 1550

Dated 12-4-43

[Despatch Abstract.]

ALLOWANCE - Tasdik - (South Kanara) - Udipi taluk - Havenje village - Institution No.477. Irmadi Chittari Bhuta - Readmission and payment of arrears - Sanctioned.

Revenue Department
Subject

Allowances - Tasdik - (South Kanara) - Udipi Taluk - Havanje village - Irmadi Chittari Bhuta - Lapsed allowance - Revival and Payment of arrears - Sanction - Orders requested -

Refce.No.n.458/43.1,

S a l e m, Dated the 20th M a r c h 1943.

From

R.Galletti, Esquire, I.C.S.,
Joint Secretary, Board of Revenue.

G.W.Priestley, Esquire, C.I.E., I.C.S., Commissioner of Land Revenue.

Read the following papers:-

Letter from M.Karamatullah Esquire, I.C.S., Collector of South Kanara. D.Dis.No.211/43 dated the 24th February 1943.

Institution No.417 Irmadi Chittari Bhuta of Havanje village, Udipi Taluk, which was in receipt of an annual tasdik of Rs.4-12-10 paid under the beriz deduction system from the revenue collections of the village, was struck off the register since the building was in dis-repairs. The connected records of this Office D.Dis.No.8420/29 in which the matter was dealt with are not available, having been destroyed under the rules in 1940. One I.Duggappa Shetty, who has been appointed as trustee of the institution inorder No.B.O.961 dated 21st March 1942 of the Hindu Religious Endowments Board, Madras, for a term of five years, now requests that the allowance may be re-admitted and the arrears of tasdik due to the institution paid to him.

2. The allowances were left undrawn from 1923 and the building was repaired by the applicant in 1939. However, services are said to have been conducted all along. Prior to 1939 the management of this deity along with another institution Gopalakrishna Deva was in the hands of Brahmin archakas who had no means to attend to the repairs of the building and the petitioner Sri Duggappa Shetty at last took on himself the task of putting the building in proper condition it being his family deity. Thereafter, he secured a sanad for himself. Enquiry held in this connection has revealed the fact that the failure to claim the allowances was due to neglect on the part of the previous managers of the diety, viz., Rama Bhatta and after him Narasimha Aithala, who could not restore the building to proper condition and failed to apply for sanad and that the present trustee who renewed the institution in 1939 was precluded from applying for the re-admission until he obtained the sanad from the Hindu Religious Endowments Board. The claim for the

for the arrears of tasdik upto 1938 is therefore untenable. Without a valid sanad the present trustee would not have been successful in obtaining recognition in respect of the institution and his failure t claim the allowances from Fasli 1349 onwards (i.e) after the repairs of the institution in 1939, can be construed as one due to disability within the purview of clauses (i) and (ii) of paragraph 7 of B.S.O. No.67. I, therefore, recommend that the Board may be pleased to re-admit the institution and sanction the payment of the allowance due to the institution from Fasli 1349

REFERENCE.

(Submitted to the Government for orders.)

A 2. The Board considers it desirable that there should be some ruling constituting a time-bar, so that it may be known when a question may no longer be re-opened. In the case under reference, payments were stopped for a sufficiently long period, viz., 16 years.

T.R. Narasimhan
22.3.43
for Joint Secretary.

To the Secretary to Government, Revenue Department.

c.n.n./22-3-1943.

SPPR 21/3 Cno 1558/43. Rev dept

Read: from the Bd proc Ref. No. [illegible] 458/43-1 dt 20.3.43.

G.O. No. no. [illegible] 1558 dt [illegible] 15-4-43

In the circumstances reported, sanction is accorded for the rest[oration] of the tasdik allowance of Rs. 12-10 (Rs. twelve and pies ten only) per annum to Inamkhidmatgar No 417, Jnana Chittari Bhatta of Havanji village, Udipi taluk, South Kanara Dist. The payment of arrears of the allowance due to the Inamkhidmatgar from Fasli 1349 is also sanctioned.

2. The allowance for each fasli year should be paid only at the close of the year, after verifying that the Inamkhidmatgar had been maintaining the property during the year. H.E.M. on p.5 infra.

[illegible] dt 24.3.43.

Note: Please see the Chis recommendation and B.S. remarks thereon on pp 1-2 ante in the Ref. The Chis recommendation for the readmission of the distinctions be accepted. ~~A draft order submitted for approval~~ Maybe sent to Estt Sec for acceptance.

2. With ref. to A in para 2 of the B.S. refee, attention is invited to the first sentence of the C. No 147 on p. 4444 of the B. S. O Vol II in which it is stated that each allowance the payment of which is sought for for more than five years shd be struck off the registers and all arrears shd be forfeited & that the Board itself is competent to revive lapsed allowances even though the service has not been kept up if it is satisfied that failure to keep up the service and apply for the allowance was due to disability and not to neglect. For other whether an absolute time limit ~~3. The Commission stated about the matter~~ should be imposed, as suggested

~~necessary on the point raised~~ by the Bd. at A on p. 2 and: ~~for order~~ it seems each case may be dealt with on merits. Such cases are bound to be rare. [illegible]

3. The remarks of E & S-H.L. may be minuted. (Draft order at p. 2 above will be suitably revised after orders are passed on para 2 above.)

Draft 30343

E&PH agrees with Rev.

2.4.43

The draft order on page 2 ante may be accepted.

3.4.43

Fin agrees with the Board that it would be desirable (if there is no legal objection) to lay down a time limit (e.g. 10 years from the date when the institution was struck off the register) after which no claim for revival of a tasdik allowance will be considered.

Rev

30343 Ltr

Fin. 1/4/43

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(Exp.A.)

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DEPUTY SECRETARY TO GOVERNMENT — 2 — 1943 — REVENUE AND PUBLIC [illegible]

ASST. SECRETARY TO GOVERNMENT — 1756 — 7 APR 1943 — REVENUE DEPARTMENT

ASST. SECRETARY TO GOVERNMENT — 3 APR 1943 — FINANCE DEPARTMENT

R5

The suggestion made in the proposed note at p 4 above may be considered separately.

If so, the draft order at p 2 above may revise with para 3 revised as follows:—

"Separate orders will be issued as regards the general question raised by the Board."

para 3 revised as suggested by A.S.

The issue

C.W.P. 2069/43

(9) 10/4/43